IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.12418 of 2002

Between:

Muddam Laxmana Yadav
S/o Chinna Mallaiah
R/o H.No.1-24, Aushapur Village,
Ghatkesar Mandal, Ranga Reddy Dist.

..... PETITIONER

AND

1 The District Collector
Ranga Reddy District.
2 P. Srinivasa Reddy, Chairman, Srinidhi Enclave
S.R. Complex, First Floor, Habsiguda,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction especially one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in not taking appropriate

action against the 2nd Respondent when they are causing damage to the tank bund of Nala Kunta Cheruvu situated in Sy.Nos.287 & 288 in Aushapur Village, Ghatkesar Mandal, Ranga Reddy District, to grab the entire tank land is highly arbitrary, illegal, intentional, malafide and consequently direct the 1st Respondent to protect and preserve the Nala Kunta Cheruvu situated in Sy.No.287 & 288 in Aushapur Village, Ghatkesar Manda), Ranga Reddy District and pass any such other order or orders in the above circumstances of the case in the interet of Justice.

Counsel for the Petitioner : Sri K.V.BHANU PRASAD

Counsel for the Respondent No.1 : G.P. FOR REVENUE

Counsel for the Respondent No.2: None appeared

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

This writ petition is filed as public interest litigation seeking direction to respondents for preservation of Tank Bund of Nalakunta Cheruvu situate in Survey Nos.287 and 288 in Aushapur village, Ghatkesar Mandal, Ranga Reddy district. It is alleged that respondent No.2 is causing damage to the said Tank Bund.

Sri Ajay Jain, District Collector, Ranga Reddy district, on behalf of first respondent, filed an affidavit stating that second respondent has changed the nature of tank and was converting into plots. Such activity cannot be permitted in the tank bed land

since the land cannot be used for non-agricultural purpose. It is stated that the petitioner's representation was received and action was taken thereupon and Crime No.39 of 2001 was also registered at Police Station, Ghatkesar, and further action was taken under Sections 49 and 50 of A.P.T.A. Irrigation Act,
1357 Falsi and show cause notice was also issued to the second respondent.

In view of the affidavit in reply, no further direction deserves to be issued except that in case action has not been completed, it would be completed against respondent No.2 in accordance with law, for having violated the law.

Writ Petition is disposed of accordingly.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

31-01-2005

bsc

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector
   Ranga Reddy District.
2. 2CCs to Govt. Pleader for Revenue, High Court buildings,

Hyderabad (OUT).

3. 2CD copies

*Form-NIC-OGS/WP{**ESWAR**}*